



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 17]

FRIDAY, AUGUST 15

[2003

First published in the *Government Gazette*, Electronic Edition, on 15th August 2003 at 5:00 pm.

Notification No. B 17 — The Building Control (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 14th day of August 2003.

Building Control (Amendment) Bill

Bill No. 17/2003.

Read the first time on 14th August 2003.

A BILL

i n t i t u l e d

An Act to amend the Building Control Act (Chapter 29 of the 1999 Revised Edition) and to make related amendments to the Architects Act (Chapter 12 of the 2000 Revised Edition) and the Professional Engineers Act (Chapter 253 of the 1992 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Building Control (Amendment) Act 2003 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2(1) of the Building Control Act (referred to in this Act as the principal Act) is amended —

- 10 (a) by inserting, immediately after the words “section 16” in the definition of “accredited checker”, the words “, whether acting on his own behalf or on behalf of an accredited checking organisation”;
- (b) by inserting, immediately after the definition of “air-conditioning unit”, the following definition:
 - 15 “ “amendment plans” means the plans showing any deviation from, or any amendment or addition to, any plan of building works approved by the Commissioner of Building Control under section 6(2);”;
- (c) by inserting, immediately after the definition of “owner”, the following definition:
 - 20 “ “plans”, in relation to any building works —
 - (a) includes drawings, details, diagrams, structural details and calculations showing or relating to the building works; and
 - (b) if prepared in electronic form, includes the
 - 25 medium in which the plans of building works have been stored;”;
- (d) by inserting, immediately after the definition of “site supervisor”, the following definition:
 - 30 “ “structural works” means works in relation to the structural elements of the building works;”.

Amendment of section 5

3. Section 5 of the principal Act is amended —

- (a) by deleting paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

5 “(a) the plans of the building works have been approved by the Commissioner of Building Control under section 6; and

 (b) in the case of structural works, there is in force a permit granted by the Commissioner of Building Control under
10 section 7 to carry out the structural works.”;

- (b) by deleting subsection (2); and

- (c) by deleting “\$50,000” in subsection (3) and substituting “\$100,000”.

Amendment of section 6

4. Section 6 of the principal Act is amended —

- (a) by deleting subsection (3) and substituting the following subsections:

 “(3) Subject to the provisions of this Act, every person for whom any relevant building works are or are to be carried out,
20 or the builder of such building works, shall, before an application is made under subsection (1), appoint —

- (a) an appropriate qualified person to prepare the plans of the building works in accordance with the building regulations; and

25 (b) the same or another appropriate qualified person to supervise the building works as required under section 8.

 (3A) No qualified person shall supervise any structural works in respect of which a certificate by an accredited checker is
30 required under subsection (1)(c) if he, or any nominee of his, is a partner, an officer or an employee of —

- (a) the builder of the building works; or
- (b) any associate of the builder of the building works.”;
- (b) by deleting the words “the latter plans and, unless otherwise prescribed, by a certificate of an accredited checker in respect of such of the latter plans” in subsection (8) and substituting the words “the amendment plans prepared by the appropriate qualified person appointed under subsection (3)(a) and, unless otherwise prescribed, by a certificate of an accredited checker in respect of such plans”; and
- (c) by inserting, immediately after subsection (11), the following subsections:
 - “(12) In subsection (3A), “associate”, in relation to a builder, means —
 - (a) any body corporate of which the builder is a director, secretary or other officer;
 - (b) any company in which the builder is a substantial shareholder as defined in section 81 of the Companies Act (Cap. 50);
 - (c) any beneficiary under a trust or an object of a discretionary trust of which the builder is a trustee;
 - (d) any party to a partnership to which the builder is also a party; or
 - (e) any employer or employee of the builder.
 - (13) Any qualified person who contravenes subsection (3A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

Amendment of section 7

- 5.** Section 7 of the principal Act is amended —
- (a) by deleting the words “building works” in the 1st line of subsection (1) and substituting the words “structural works”;

- (b) by inserting, immediately after the words “qualified person” in the 3rd line of subsection (1), the words “appointed under section 6(3)(b) to supervise the building works”;
- (c) by deleting the words “section 6(3)” in subsection (1)(b) and substituting the words “section 6(3)(b)”;
- (d) by deleting paragraph (c) of subsection (1) and substituting the following paragraph:

“(c) where appropriate —

(i) a notification of the appointment of a site supervisor in respect of the structural works signed by the qualified person appointed under section 6(3)(b); and

(ii) a confirmation of the appointment signed by the site supervisor;”;

- (e) by deleting the words “building works” in the 1st and 2nd lines of subsection (1)(d) and substituting the words “structural works”;
- (f) by deleting the words “building works” wherever they appear in subsections (2) and (3) and substituting in each case the words “structural works”;
- (g) by deleting the words “building works” in the 2nd line of subsection (4) and substituting the words “structural works”;
- (h) by deleting paragraph (b) of subsection (4) and substituting the following paragraph:
- “(b) the qualified person appointed under section 6(3)(b) to supervise the building works; or”; and
- (i) by deleting the words “building works” in the section heading and substituting the words “structural works”.

New section 7A

6. The principal Act is amended by inserting, immediately after section 7, the following section:

“Power to order stoppage of building works

5 **7A.**—(1) If the Commissioner of Building Control is of the opinion that any building works, other than structural works, have been or are being carried out in such a manner as —

- (a) will cause, or will be likely to cause, a risk of injury to any person or damage to any property;
- 10 (b) will cause, or will be likely to cause, a total or partial collapse of any adjoining or other building or street or natural, formed or man-made land; or
- (c) will render, or will be likely to render, any adjoining or other building or street or natural, formed or man-made land so
- 15 dangerous that it will collapse or be likely to collapse either totally or partially,

he may, by order, direct the person for whom those building works have been or are being carried out —

- (i) to immediately stop the building works; and
- 20 (ii) to take such remedial or other measures as he may specify to prevent the situations referred to in paragraphs (a), (b) and (c) from happening.

(2) Any person who fails to comply with any order made by the Commissioner of Building Control under subsection (1)(i) or (ii) shall

25 be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.”.

Amendment of section 8

7. Section 8(2) of the principal Act is amended by deleting “\$50,000” and substituting “\$100,000”.

Amendment of section 9

8. Section 9 of the principal Act is amended —

(a) by inserting, immediately after the words “carried out” in subsection (1)(b), the words “, or the builder,”;

5 (b) by inserting, immediately after the words “carried out” in subsection (2), the words “, or the builder,”;

(c) by deleting subsection (3) and substituting the following subsections:

10 “(3) Every qualified person appointed under section 6(3)(a) to prepare the plans of any building works shall —

(a) take all reasonable steps and exercise due diligence to ensure that the building works are designed in accordance with —

(i) the provisions of this Act; and

15 (ii) subject to section 14, the requirements prescribed in the building regulations;

(b) notify the Commissioner of Building Control of any contravention of the provisions of this Act or the building regulations in connection with those building works; and

20 (c) supply to the site supervisor, the builder of the building works and the qualified person appointed under section 6(3)(b) to supervise building works a copy of every plan of those building works approved by the Commissioner of Building Control.

25

(3A) For the purpose of subsection (3)(a) —

30 (a) the plans of any building works that are prepared in accordance with the acceptable solutions as set out in the Approved Document issued by the Commissioner of Building Control in respect of such building works shall be deemed to comply with the objectives and performance requirements that are prescribed by the building regulations in respect of such building works; and

(b) where the qualified person appointed under section 6(3)(a) to prepare the plans of any building works intends to utilise any alternative solution (that is to say, a solution that entails the use of any design, material or construction method that differs completely or partially from those in the acceptable solution), he shall —

(i) take all reasonable steps and exercise due diligence to ensure that the alternative solution satisfies the objectives and performance requirements that are prescribed by the building regulations in respect of such building works; or

(ii) obtain the certification of another qualified person, being a specialist in the application of such an alternative solution, that the alternative solution satisfies the objectives and performance requirements that are prescribed by the building regulations in respect of such building works.

(3B) No qualified person shall issue any certification for the purposes of subsection (3A)(b)(ii) unless he has taken all reasonable steps and exercised due diligence to ensure that the alternative solution in respect of which his certification is being sought satisfies the objectives and performance requirements that are prescribed by the building regulations in respect of the building works for which the alternative solution is to be applied.

(3C) Every qualified person appointed under section 6(3)(b) to supervise the building works shall —

(a) take all reasonable steps and exercise due diligence in supervising and inspecting the building works to ensure that the building works are being carried out in accordance with —

(i) the provisions of this Act;

(ii) subject to section 14, the building regulations;

(iii) the relevant plans approved by the Commissioner of Building Control; and

(iv) any terms and conditions imposed by the Commissioner of Building Control;

5 (b) in the absence of a site supervisor, take all reasonable steps and exercise due diligence in giving immediate supervision to the carrying out of concreting, piling, pre-stressing, tightening of high-friction grip bolts or other critical structural works of any building works to which section 8(1)(c) applies to ensure that such critical structural works of the building works are being carried out in accordance with —

(i) the provisions of this Act;

(ii) subject to section 14, the building regulations;

15 (iii) the plans approved in respect thereof by the Commissioner of Building Control; and

(iv) any terms and conditions imposed by the Commissioner of Building Control;

20 (c) notify the Commissioner of Building Control of any contravention of the provisions of this Act or the building regulations in connection with those building works;

25 (d) keep and maintain at the premises on which building works are carried out such documents, books and records as may be prescribed in the building regulations;

(e) submit to the Commissioner of Building Control at the prescribed times such reports and certificates as may be prescribed in the building regulations; and

30 (f) notify the Commissioner of Building Control if the building works have been suspended for a period of more than 3 months.”.

(d) by deleting the words “subsection (1)(b)” in subsection (4) and substituting the words “subsection (3C)(a) or (b)”;

(e) by deleting the words “subsection (3)(a), (b), (c), (d) or (e)” in subsection (5) and substituting the words “subsection (3)(b) or (3C)(c), (d) or (e)”;

(f) by deleting subsection (5A) and substituting the following subsection:

“(5A) Any person who contravenes or fails to comply with subsection (1)(b), (3)(a), (3A)(b)(i) or (ii) or (3B) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.”;

(g) by deleting the words “subsection (3)(c)” in subsection (6) and substituting the words “subsection (3)(b) or (3C)(c)”;

(h) by inserting, immediately after the words “carried out” in subsection (7), the words “or the builder”; and

(i) by deleting the words “or (3)(f) or (g)” in subsection (7) and substituting the words “, (3)(c) or (3C)(f)”.

Amendment of section 10

9. Section 10 of the principal Act is amended —

(a) by deleting the words “section 6(3) in respect of those building works” in subsection (1) and substituting the words “section 6(3)(b) to supervise the building works”;

(b) by deleting the words “section 6(3) in respect of those building works” in subsection (2) and substituting the words “section 6(3)(b) to supervise the building works”;

(c) by inserting, immediately after subsection (3), the following subsection:

“(3A) No site supervisor shall supervise any structural works in respect of which a certificate by an accredited checker is required under section 6(1)(c) if he, or any nominee of his, is a partner, an officer or an employee of —

- (a) the builder of the building works; or
- (b) any associate of the builder of the building works as defined in section 6(12).”;
- (d) by deleting the words “section 6(3) in respect of those building works” in subsection (4)(b) and substituting the words “section 6(3)(b) to supervise the building works”;
- (e) by deleting the words “section 9(3)(g)” in subsection (5) and substituting the words “section 9(3)(c)”; and
- (f) by inserting, immediately after subsection (5), the following subsection:

“(5A) Any site supervisor who contravenes subsection (3A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

15 **Amendment of section 11**

10. Section 11 of the principal Act is amended —

- (a) by deleting the words “section 9(3)(g)” in subsection (4)(a) and substituting the words “section 9(3)(c)”;
- (b) by deleting the words “section 9(3)(g)” in subsection (4)(c) and substituting the words “section 9(3)(c)”; and
- (c) by deleting “\$50,000” in subsection (5) and substituting “\$100,000”.

Amendment of section 22

11. Section 22(1) of the principal Act is amended by deleting the words “building works” in paragraph (b) and substituting the words “structural works”.

New section 22G

12. Part IV of the principal Act is amended by inserting, immediately above section 23, the following section:

“Interpretation of this Part

22G. In this Part, “building” includes a building or any part thereof in respect of which building works are being carried out.”.

Amendment of section 23

5 **13.** Section 23 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

10 “(1) If it appears to the Commissioner of Building Control that a building is in such a condition, or is used to carry such loads, as to be or likely to be dangerous, the Commissioner of Building Control may exercise any of the following powers:

(a) where danger arises or is likely to arise from the condition of the building, the Commissioner of Building Control may make an order requiring the owner thereof to do all or any of the following within such time as may be specified:

15 (i) to carry out or cause to be carried out such inspection of the building as he may specify;

(ii) to execute such building works as may be necessary to obviate the danger;

20 (iii) to demolish the building or any part thereof, and remove any rubbish resulting from the demolition;

25 (b) where danger arises or is likely to arise from overloading of the building, the Commissioner of Building Control may make an order requiring the owner thereof to restrict its use until the Commissioner of Building Control, being satisfied that any necessary building works have been executed, withdraws or modifies the restriction; and

30 (c) where the Commissioner of Building Control is of the opinion that the building works that have been or are being carried out in respect of the building may have caused or is likely to cause the collapse of the building or any part thereof or any structural distress that is likely to lead to the instability of the building or any part thereof, he may —

(i) engage a qualified person or a specialist to carry out such investigations and tests as may be necessary and to

advise him on all matters relating to the safety of the building, the reasons for its collapse (if applicable) and the measures that should be taken to obviate any possible danger that might arise from the condition of the building; and

- (ii) make an order requiring the person for whom the building works have been or are being carried out to take such measures as may be specified by the Commissioner of Building Control (including, if necessary, the demolition of the building) to obviate the danger arising therefrom.

(1A) All expenses incurred by the Commissioner of Building Control under subsection (1)(c)(i) shall be borne by the person for whom the building works have been or are being carried out.”.

Amendment of section 33

14. Section 33(1) of the principal Act is amended by deleting the words “section 9(3)(d)” in paragraph (d) and substituting the words “section 9(3C)(d)”.

Amendment of section 49

15. Section 49 of the principal Act is amended —

- (a) by inserting, immediately after paragraph (c) of subsection (2), the following paragraph:

“(ca) the establishing of objectives and performance requirements for the design and construction of buildings;”;

- (b) by deleting sub-paragraphs (iii) and (iv) of subsection (2)(e);
- (c) by deleting the words “open space about buildings and” in subsection (2)(e)(v);
- (d) by deleting paragraph (o) of subsection (2) and substituting the following paragraph:

“(o) the time and manner of making, and the information and documents to be furnished in respect of, an

application for a temporary occupation permit and a certificate of statutory completion;” and

(e) by inserting, immediately after subsection (2), the following subsection:

5 “(2A) Regulations made under this section may provide that —

(a) any particular objective and performance requirement for the design and construction of any building shall be deemed to be complied with if the building is
10 constructed with such specifications, materials, designs or methods of construction as may be specified by the Commissioner of Building Control; and

(b) the Commissioner of Building Control may issue in
15 such form as he thinks fit, and from time to time amend, one or more Approved Documents setting out the specifications, materials, designs or methods of construction which shall, without prejudice to any alternative means of achieving compliance, be
20 deemed to comply with the relevant objective and performance requirement for the design and construction of buildings prescribed in those regulations.”.

Related amendments to other written laws

25 **16.** The provisions of the Acts specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

THE SCHEDULE

Section 15

RELATED AMENDMENTS

<i>First column</i>	<i>Second column</i>
(1) Architects Act (Chapter 12, 2000 Ed.)	
(a) Section 2	<p>Delete the definition of “building” and substitute the following definitions:</p> <p>““builder”, “building” and “building works” have the same meanings as in the Building Control Act (Cap. 29);”.</p>
(b) Section 10	<p>(i) Delete the word “; or” at the end of subsection (5)(a) and substitute a comma.</p> <p>(ii) Delete paragraph (b) of subsection (5).</p> <p>(iii) Insert, immediately after subsection (5), the following subsection:</p> <p>“(5A) Notwithstanding subsection (5), a builder may supply or offer to supply architectural services in Singapore in connection with any building works which he undertakes to carry out if the architectural services are provided by a person referred to in subsection (5)(i), (ii) or (iii).”.</p>
(c) Section 11	<p>Repeal and substitute the following section:</p> <p>“Remuneration for architectural services</p> <p>11. Subject to the provisions of this Act, no person shall be entitled to recover in any court any charge, fee or remuneration for any architectural services rendered in Singapore unless the person rendering such services is authorised by this Act to supply those services.”.</p>

<i>First column</i>	<i>Second column</i>
(d) Section 18(4)	<p>(i) Delete the word “or” at the end of paragraph (d).</p> <p>(ii) Delete the full-stop at the end of paragraph (e) and substitute the word “; or”, and insert immediately thereafter the following paragraph:</p> <p style="padding-left: 40px;">“(f) the Board is not satisfied that the applicant has complied with the prescribed requirements relating to continuing professional education.”.</p>
(e) Section 20	<p>(i) Insert, immediately before the word “corporation” in the 2nd line of subsection (1), the word “limited”.</p> <p>(ii) Delete paragraph (c) of subsection (1) and substitute the following paragraph:</p> <p style="padding-left: 40px;">“(c) the articles of association of the corporation provide that a prescribed number or proportion of directors shall be registered architects or allied professionals;”.</p> <p>(iii) Delete sub-paragraphs (i) and (ii) of subsection (1)(d) and substitute the following sub-paragraphs:</p> <p style="padding-left: 40px;">“(i) is a registered architect who has in force a practising certificate; and</p> <p style="padding-left: 80px;">(ii) is authorised under a resolution of the board of directors of the corporation to make all final architectural decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of architectural services by the corporation; and”.</p> <p>(iv) Delete sub-paragraphs (i), (ii) and (iii) of subsection (2)(c) and substitute the following sub-paragraphs:</p>

*First column**Second column*

- “(i) is a registered architect who has in force a practising certificate;
- (ii) is a member, or a registered owner of at least one share, of the corporation; and
- (iii) is authorised under a resolution of the board of directors of the corporation to make all final architectural decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of architectural services by the corporation.”.
- (v) Delete the words “ordinarily resident in Singapore” in subsection (3)(b).
- (vi) Insert, immediately after subsection (8), the following subsection:
 - “(9) In subsection (1), “prescribed number or proportion of directors” means —
 - (a) a majority of the directors, where no number or proportion is specified under paragraph (b); or
 - (b) where a number or proportion is specified by the Minister for the purposes of subsection (1) by notification in the *Gazette*, such number or proportion of directors as may for the time being be so specified.”.

<i>First column</i>	<i>Second column</i>
(f) Section 21	<p data-bbox="737 461 1385 524">Delete subsection (1) and substitute the following subsection:</p> <p data-bbox="799 546 1385 748">“(1) It shall be a condition of every licence granted to any corporation or partnership that the corporation or partnership shall supply architectural services in Singapore only under the control and management of a registered architect —</p> <ul style="list-style-type: none"> <li data-bbox="863 763 1385 828">(a) who has in force a practising certificate; and <li data-bbox="863 848 1385 1599">(b) who is — <ul style="list-style-type: none"> <li data-bbox="954 900 1385 1032">(i) in the case of a corporation other than an unlimited corporation, a director or an employee of the corporation; <li data-bbox="946 1055 1385 1290">(ii) in the case of an unlimited corporation which has a share capital, either a director or an employee of the corporation who is a registered owner of at least one share of the corporation; <li data-bbox="938 1312 1385 1514">(iii) in the case of an unlimited corporation which does not have any share capital, either a director or an employee of the corporation who is a member of the corporation; or <li data-bbox="938 1536 1385 1599">(iv) in the case of a partnership, a partner thereof.”.

<i>First column</i>	<i>Second column</i>
(g) Section 22(1)	<p>(i) Delete the word “or” at the end of paragraph (a).</p> <p>(ii) Delete the comma at the end of paragraph (b) and substitute the word “; or”, and insert immediately thereafter the following paragraph:</p> <p>“(c) any revocation of any resolution passed by the board of directors under section 20(1)(d)(ii) or (2)(c)(iii),”.</p>
(2) Professional Engineers Act (Chapter 253, 1992 Ed.)	
(a) Section 2	<p>Delete the definition of “building” and substitute the following definitions:</p> <p>““builder”, “building” and “building works” have the same meanings as in the Building Control Act (Cap. 29);”.</p>
(b) Section 10	<p>Insert, immediately after subsection (5), the following subsection:</p> <p>“(5A) Notwithstanding subsection (5), a builder may supply or offer to supply professional engineering services in Singapore in connection with any building works which he undertakes to carry out if the professional engineering services are provided by a person referred to in subsection (5)(a), (b) or (c).”.</p>
(c) Section 18(4)	<p>(i) Delete the word “or” at the end of paragraph (d).</p> <p>(ii) Delete the full-stop at the end of paragraph (e) and substitute the word “; or”, and insert immediately thereafter the following paragraph:</p> <p>“(f) the Board is not satisfied that the applicant has complied with the prescribed requirements relating to continuing professional education.”.</p>

*First column**(d)* Section 20*Second column*

- (i) Insert, immediately before the word “corporation” in the 2nd line of subsection (1), the word “limited”.
- (ii) Delete paragraph (c) of subsection (1) and substitute the following paragraph:
 - “(c) the articles of association of the corporation provide that a prescribed number or proportion of directors shall be registered professional engineers or allied professionals;”.
- (iii) Delete sub-paragraphs (i) and (ii) of subsection (1)(e) and substitute the following sub-paragraphs:
 - “(i) is a registered professional engineer who has in force a practising certificate; and
 - (ii) is authorised under a resolution of the board of directors of the corporation to make all final engineering decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of professional engineering services by the corporation; and”.
- (iv) Delete sub-paragraphs (i), (ii) and (iii) of subsection (2)(c) and substitute the following sub-paragraphs:
 - “(i) is a registered professional engineer who has in force a practising certificate;
 - (ii) is a member, or a registered owner of at least one share, of the corporation; and
 - (iii) is authorised under a resolution of the board of directors of the corporation to make all final engineering decisions on behalf of the corporation with respect to the requirements of this Act, the rules or any other law relating to the supply of professional engineering services by the corporation.”.

*First column**Second column*

- (v) Delete the words “ordinarily resident in Singapore” in subsection (3)(b)(i).
- (vi) Insert, immediately after subsection (8), the following subsection:

“(9) In subsection (1), “prescribed number or proportion of directors” means —

- (a) a majority of the directors, where no number or proportion is specified under paragraph (b); or
- (b) where a number or proportion is specified by the Minister for the purposes of subsection (1) by notification in the *Gazette*, such number or proportion of directors as may for the time being be so specified.”.

(e) Section 21

Delete subsection (1) and substitute the following subsection:

“(1) It shall be a condition of every licence granted to any corporation or partnership that the corporation or partnership shall supply professional engineering services in Singapore through a professional engineer —

- (a) who shall be responsible for the professional engineering works;
- (b) who has in force a practising certificate authorising him to engage in professional engineering work to which those services relate; and
- (c) who is —
 - (i) in the case of a corporation other than an unlimited corporation, a director or an employee of the corporation;

*First column**Second column*

- (ii) in the case of an unlimited corporation which has a share capital, either a director or an employee of the corporation who is a registered owner of at least one share of the corporation;
- (iii) in the case of an unlimited corporation which does not have any share capital, either a director or an employee of the corporation who is a member of the corporation; or
- (iv) in the case of a partnership, a partner thereof.”.

(f) Section 22(1)

- (i) Delete the word “or” at the end of paragraph (a).
- (ii) Delete the comma at the end of paragraph (b) and substitute the word “; or”, and insert immediately thereafter the following paragraph:
 - “(c) any revocation of any resolution passed by the board of directors under section 20(1)(e)(ii) or (2)(c)(iii),”.

(g) Section 26

Delete the words “and competence”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Building Control Act (Cap. 29), and to make related amendments to the Architects Act (Cap. 12) and the Professional Engineers Act (Cap. 253) to facilitate “Design and Build” procurement arrangements under which multi-disciplinary firms may provide architectural, engineering and construction services.

This Bill also seeks —

- (a) to amend the Building Control Act to better define the role of qualified persons who are appointed in respect of building works, to provide for objectives, standards and requirements for the design and construction of buildings to be established by regulations, and to fine-tune and update the Act; and
- (b) to amend the Architects Act and the Professional Engineers Act to provide that the issue of practicing certificates under the respective Acts may be conditioned on applicants meeting prescribed requirements relating to continuing professional education, and to fine-tune and update the Acts.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to insert new definitions of “amendment plans”, “plans” and “structural works” and to make a technical amendment to the definition of “accredited checker”.

Clause 3 amends section 5 to provide that (except as otherwise provided in the Act) no person may commence, carry out, etc., any building works unless —

- (a) all the plans of the building works have been approved by the Commissioner of Building Control (the Commissioner) under section 6; and
- (b) in the case of structural works, there is in force a permit granted by the Commissioner under section 7 to carry out the structural works.

The clause also raises the maximum fine for an offence under that section from \$50,000 to \$100,000.

Clause 4 amends section 6 —

- (a) to provide that the person for whom any relevant building works are or are to be carried out, or the builder of such building works, must appoint —
 - (i) an appropriate qualified person to prepare the plans of the building works in accordance with the building regulations; and
 - (ii) the same or another appropriate qualified person to supervise the building works as required under section 8;
- (b) to make it an offence for a qualified person to supervise any structural works in respect of which a certificate by an accredited checker is required under subsection (1)(c) if he, or any nominee of his, is a partner, an officer or an employee of —

- (i) the builder of the building works; or
- (ii) any associate of the builder of the building works; and
- (c) to make minor consequential and technical amendments for greater clarity.

Clause 5 amends section 7 (relating to permit to carry out building works) —

- (a) to substitute the references in that section to “building works” with “structural works” (as it is only necessary to apply for a permit to carry out structural works); and
- (b) to provide that the references in that section to “qualified person” means the qualified person appointed under section 6(3)(b).

Clause 6 inserts a new section 7A which empowers the Commissioner to order the immediate stoppage of building works that pose a danger to persons, property or other buildings and to require the person for whom the building works are carried out to take certain remedial and other measures to avert such danger.

Clause 7 amends section 8(2) (which relates to the supervision of building works) to raise the maximum fine for an offence under that section from \$50,000 to \$100,000.

Clause 8 amends section 9 (which relates to duties of qualified persons) by re-enacting subsection (3) and by inserting new subsections (3A), (3B) and (3C).

The new subsection (3) spells out the duties of a qualified person appointed under section 6(3)(a) to prepare the plans of any building works.

The new subsection (3A) —

- (a) deems the plans of any building works that are prepared in accordance with the acceptable solutions as set out in the Approved Document issued by the Commissioner of Building Control in respect of such building works to comply with the objectives and performance requirements that are prescribed by the building regulations in respect of such building works; and
- (b) allows a qualified person who prepares the plans of any building works to utilise any alternative solution provided that he —
 - (i) takes all reasonable steps and exercise due diligence to ensure that the alternative solution satisfies the objectives and performance requirements that are prescribed by the building regulations in respect of such building works; or
 - (ii) obtains the certification of another qualified person, being a specialist in the application of such an alternative solution, that the alternative solution satisfies the objectives and performance requirements that are prescribed by the building regulations in respect of such building works.

The new subsection (3B) spells out the duties of a qualified person who certifies the acceptability of an alternative solution under the new subsection (3A)(b)(ii).

The new subsection (3C) spells out the duties of a qualified person appointed under section 6(3)(b) to supervise the building works.

The clause also —

- (a) raises the maximum fine for an offence in contravention subsection (1)(b) (which prohibits the commencement or carrying out building works when no qualified person has been appointed in respect of those works) from \$50,000 to \$100,000; and
- (b) makes certain consequential amendments to section 9 arising from the amendments to section 6 (clause 4).

Clause 9 amends section 10 —

- (a) to make it an offence for a site supervisor to supervise any structural works in respect of which a certificate by an accredited checker is required under section 6(1)(c) if he, or any nominee of his, is a partner, an officer or an employee of the builder of the building works or any associate of the builder of the building works; and
- (b) to make consequential amendments pursuant to the amendments to section 6 (clause 4) and section 9 (clause 8).

Clause 10 makes a consequential amendment to section 11(4) pursuant to the amendments to section 9 (clause 8).

The clause also amends section 11(5) to raise the maximum fine for an offence in contravention of section 11(4)(a) (which requires a builder to ensure that the building works are carried out in accordance with the plans of the building works supplied to him in accordance with section 9(3)(g) by a qualified person and with any term or condition imposed by the Commissioner of Building Control) from \$50,000 to \$100,000.

Clause 11 makes a consequential amendment to section 22(1) arising from the amendment to section 7 by clause 5.

Clause 12 inserts a new section 22G in Part IV (which relates to dangerous buildings) to extend the provisions of that Part to buildings in respect of which building works are carried out.

Clause 13 deletes and substitutes subsection (1) of section 23 to include a provision to empower the Commissioner, where he is of the opinion that the building works that have been or are being carried out in respect of the building may have caused or is likely to cause the collapse of the building or any part thereof or any structural distress that is likely to lead to the instability of the building or any part thereof —

- (a) to engage a qualified person or a specialist to carry out such investigations and tests as may be necessary and to advise him on all matters relating to the safety of the building, the reasons for its collapse (if applicable) and the measures that should be taken to obviate any possible danger that might arise from the condition of the building; and

- (b) to make an order requiring the person for whom the building works have been or are being carried out to take such measures as may be specified by the Commissioner of Building Control (including, if necessary, the demolition of the building) to obviate the danger arising therefrom.

The clause also inserts a new subsection (1A) which provides that all expenses incurred by the Commissioner under the new subsection (1)(c)(i) must be borne by the person for whom the building works have been or are being carried out.

Clause 14 makes a consequential amendment to section 33(1) pursuant to the amendments to section 9 (clause 8).

Clause 15 amends section 49 —

- (a) to empower the Minister to make regulations for, or in respect of, the establishing of objectives and performance requirements for the design and construction of buildings;
- (b) to provide that regulations made under the section may provide that the objectives and performance requirements for the design and construction of any building will be deemed to be complied with if the building is constructed with such specifications, materials, designs or methods of construction as may be specified by the Commissioner;
- (c) to provide that the Commissioner may issue, and from time to time amend, an Approved Document setting out the specifications, materials, designs or methods of construction which will, without prejudice to any alternative means of achieving compliance, be deemed to comply with the relevant objectives and performance requirements for the design and construction of buildings prescribed in regulations made under the section; and
- (d) to remove certain obsolete provisions from subsection (2)(e).

Clause 16 (to be read with the Schedule) makes related amendments to the Architects Act (Cap. 12) and the Professional Engineers Act (Cap. 253).

The Architects Act is amended for the following purposes:

- (a) to insert new definitions of “builder”, “building” and “building works” in section 2;
- (b) to restrict the prohibition under section 10(5) to the supply or offer to supply architectural services in Singapore;
- (c) to insert a new subsection (5A) in section 10 to provide that a builder may supply or offer to supply architectural services in connection with any building works which he undertakes to carry out if the architectural services are provided by a person referred to in section 10(5)(i), (ii) or (iii);
- (d) to amend section 11 as a consequence of new section 10(5A);
- (e) to amend section 18(4) to provide that the Board of Architects may refuse to issue a practicing certificate to an applicant if it is not satisfied that the

applicant has complied with the prescribed requirements relating to continuing professional education;

- (f) to provide that a limited corporation may not be granted a licence to supply architectural services under section 20(1) unless (amongst other things) —
 - (i) the articles of association of the limited corporation provide that a prescribed number or proportion of the directors of the corporation are to be registered architects or allied professionals; and
 - (ii) the business of the corporation, so far as it relates to the supply of architectural services, will be under the control and management of a director of the corporation who —
 - (A) is a registered architect who has in force a practising certificate; and
 - (B) is authorised under a resolution of the board of directors of the corporation to make all final architectural decisions on behalf of the corporation with respect to the requirements of the Act, the rules or any other law relating to the supply of architectural services by the corporation;
- (g) to provide that an unlimited corporation may not be granted a licence to supply architectural services under section 20(2) unless (amongst other things) the business of the corporation, so far as it relates to the supply of architectural services, will be under the control and management of a director of the corporation who —
 - (i) is a registered architect who has in force a practising certificate;
 - (ii) is a member, or a registered owner of at least one share, of the corporation; and
 - (iii) is authorised under a resolution of the board of directors of the corporation to make all final architectural decisions on behalf of the corporation with respect to the requirements of the Act, the rules or any other law relating to the supply of architectural services by the corporation;
- (h) to remove the requirement for the grant of a licence to a partnership under section 20(3) that the registered architect who is to have control and management of the supply of architectural services is to be resident in Singapore;
- (i) to define the term “prescribed number or proportion of directors” for the purposes of section 20(1);
- (j) to amend section 21(1) to remove the condition that the registered architect who is to have control and management of the supply of architectural services by the corporation must be ordinarily resident in Singapore, and to

provide that the registered architect may be an employee of the corporation (instead of a director of the corporation); and

- (k) to provide that a licensed corporation shall, within 30 days of any revocation of any resolution passed by the board of directors of the corporation under section 20(1)(d)(ii) or (2)(c)(iii) (relating to authorisation of registered architect to make final architectural decisions on behalf of the corporation), furnish a report to the Board of Architects.

The Professional Engineers Act (Cap. 253) is amended for the following purposes:

- (a) to insert new definitions of “builder”, “building” and “building works” in section 2;
- (b) to insert a new subsection (5A) in section 10 to provide that a builder may supply or offer to supply professional engineering services in connection with any building works which he undertakes to carry out if the professional engineering services are provided by a person referred to in section 10(5)(a), (b) or (c);
- (c) to amend section 18(4) to provide that the Professional Engineers Board may refuse to issue a practicing certificate to an applicant if it is not satisfied that the applicant has complied with the prescribed requirements relating to continuing professional education;
- (d) to provide that a limited corporation may not be granted a licence to supply professional engineering services under section 20(1) unless (amongst other things) —
 - (i) the articles of association of the limited corporation provide that a prescribed number or proportion of the directors of the corporation are to be registered professional engineers or allied professionals; and
 - (ii) the business of the corporation, so far as it relates to the supply of professional engineering services, will be under the control and management of a director of the corporation who —
 - (A) is a registered professional engineer who has in force a practising certificate; and
 - (B) is authorised under a resolution of the board of directors of the corporation to make all final engineering decisions on behalf of the corporation with respect to the requirements of the Act, the rules or any other law relating to the supply of professional engineering services by the corporation;
- (e) to provide that an unlimited corporation may not be granted a licence to supply professional engineering services under section 20(2) unless (amongst other things) the business of the corporation, so far as it relates to the supply of professional engineering services, will be under the control and management of a director of the corporation who —

- (i) is a registered professional engineer who has in force a practising certificate;
 - (ii) is a member, or a registered owner of at least one share, of the corporation; and
 - (iii) is authorised under a resolution of the board of directors of the corporation to make all final engineering decisions on behalf of the corporation with respect to the requirements of the Act, the rules or any other law relating to the supply of professional engineering services by the corporation;
- (f) to remove the requirement for the grant of a licence to a partnership under section 20(3) that the professional engineer who is to have control and management of the supply of professional engineering services is to be resident in Singapore;
- (g) to define the term “prescribed number or proportion of directors” for the purposes of section 20(1);
- (h) to amend section 21(1) to provide that it shall be a condition of every licence granted to any corporation or partnership that the corporation or partnership shall supply professional engineering services in Singapore through a professional engineer who shall be responsible for the professional engineering works (instead of under the control and management of a registered professional engineer) and that the professional engineer may be an employee of the corporation (instead of a director of the corporation);
- (i) to provide that a licensed corporation shall, within 30 days of any revocation of any resolution passed by the board of directors of the corporation under section 20(1)(e)(ii) or (2)(c)(iii) (relating to authorisation of registered professional engineers to make final engineering decisions on behalf of the corporation), furnish a report to the Professional Engineers Board; and
- (j) to provide under section 26 that the registered professional engineer who has control and management of the business of a licensed corporation relating to the supply of professional engineering services in Singapore shall be subject to the same standards of professional conduct (but not necessarily the same standards of competence) in respect of the business as if the professional engineering services were personally supplied by the registered professional engineer.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
